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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 WILLIE BAILEY III,

11 Plaintiff,

2:04-cv-2067-GEB-EFB-P

12 vs.

13 J. WEDELL, et al.,

14 Defendants.

ORDER

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16 On April 16, 2008, plaintiff filed a request for reconsideration of this court's order
17 filed March 25, 2008, adopting the February 22, 2008, findings and recommendations.

18 Standards For Motions To Reconsider

19 Although motions to reconsider are directed to the sound discretion of the court,
20 Frito-Lay of Puerto Rico, Inc. v. Canas, 92 F.R.D. 384, 390 (D.C. Puerto Rico 1981),
21 considerations of judicial economy weigh heavily in the process. Thus Local Rule 78-230(k)
22 requires that a party seeking reconsideration of a district court's order must brief the "new or
23 different facts or circumstances [which] were not shown upon such prior motion, or what other
24 grounds exist for the motion." The rule derives from the "law of the case" doctrine which
25 provides that the decisions on legal issues made in a case "should be followed unless there is
26 substantially different evidence . . . new controlling authority, or the prior decision was clearly

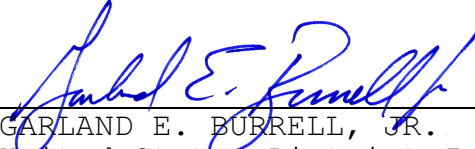
erroneous and would result in injustice.” Handi Investment Co. v. Mobil Oil Corp., 653 F.2d 391, 392 (9th Cir. 1981); see also Waggoner v. Dallaire, 767 F.2d 589, 593 (9th Cir. 1985), cert. denied, 475 U.S. 1064 (1986).

Courts construing Federal Rule of Civil Procedure 59(e), providing for the alteration or amendment of a judgment, have noted that a motion to reconsider is not a vehicle permitting the unsuccessful party to “rehash” arguments previously presented, or to present “contentions which might have been raised prior to the challenged judgment.” Costello v. United States, 765 F.Supp. 1003, 1009 (C.D.Cal. 1991); see also F.D.I.C. v. Meyer, 781 F.2d 1260, 1268 (7th Cir. 1986); Keyes v. National R.R. Passenger Corp., 766 F. Supp. 277, 280 (E.D. Pa. 1991). These holdings “reflect[] district courts’ concerns for preserving dwindling resources and promoting judicial efficiency.” Costello, 765 F.Supp. at 1009.

Plaintiff fails to show any grounds justifying granting relief from the order entered March 25, 2008.

Accordingly, IT IS ORDERED that plaintiff’s April 16, 2008, request for reconsideration is hereby DENIED.

Dated: May 29, 2008



GARLAND E. BURRELL, JR.
United States District Judge